

REMARKS

I. Rejections Under 35 USC §103

At page 2 of the Office Action, claims 1, 3, 6, 7, 8, 18, 19, 21, 22, 25, 26, 27, 28, and 29 are rejected under 35 USC 103(a) as being unpatentable over Fawcett in view of Dell. However, neither Fawcett nor Dell, when taken either individually or in combination therewith, disclose, suggest, or mention the limitations of the Applicants' amended independent claims. More specifically, the combination of the cited references does not disclose or suggest a method for receiving or conveying software "a software package previously installed on said computing device during manufacturing of said computing device", as recited in amended independent claims 1, 9, 25, and 29. Nor does the combination of the cited references disclose or suggest a computing device or a program storage device that embodies a program of instructions for a method that includes receiving a software package "previously installed on said computing device during manufacturing of said computing device", as recited in amended independent claims 18 and 19. (Claim language may vary slightly.)

In Fawcett, a method and system for identifying and obtaining computer software from a remote computer is disclosed. In Fawcett, a user accesses the remote update service, an update service computer conducts an automatic inventory of the computer software on the user computer. Fawcett does not disclose, suggest, mention, or otherwise make obvious the claim limitation that the inventory of user software is that which was installed on the computing device "during the manufacture of the computing device" as recited in the Applicants' independent claims (claim language may vary slightly). In Fawcett, the computer software may be installed by the user long after the manufacturing of the computer.

In Dell, various computer products are offered. Dell includes various computer hardware options that are indicated as being selectable by the user. Dell also includes that each computer includes "MS Home Essentials Plus Best of Entertainment Pack". Dell includes the phrase "Microsoft Office 97 Small Business Edition plus Encarta" are also available, but *there is no indication that any software is installed during the manufacture of the computing device*. In Dell, all of the

software may just as well be shipped in a separate box and installed by the user after the initial set up of the computer. Thus, Dell does not suggest, mention, or otherwise make obvious the limitations of the Applicants' independent claims, which include methods for conveying or receiving the "software package previously installed on said computing device during manufacturing", as recited in the Applicants' independent claims.

When the cited references are combined, the combination does not include the limitations of the Applicants' claims. In particular, neither of the cited references includes any reference to the software being a "software package previously installed on said computing device during manufacturing", as recited in the Applicants' independent claims. As both references are silent on this limitation, the Applicants do not believe that these references could be combined to produce the inventions of the Applicants' independent claims.

Accordingly, the Applicants' respectfully request that the Examiner withdraw the rejection to the claims and pass the application onto allowance.

At page 5, claims 5, 9, 10, 12, 13, 14, 15, 16, and 23 are rejected under 35 USC 103(a) as being unpatentable over Fawcett and Dell and further in view of Arnold. However, none of the cited references (taken either alone or in combination) disclose, suggest, or mention a method for receiving recovery software that includes "receiving recovery software from said network location based on said identifier", as recited in amended independent claim 1. Nor does the combination disclose, suggest, or mention a method for conveying a software package to a computing device that includes "determining, based on said identifier, a software package previously installed on said computing device", as recited in amended independent claim 9. Nor does the combination disclose, suggest, or mention a program storage device that embodies a program that directs a computing device to access a network location for the purpose of receiving a software package previously installed on said computing device wherein "said software package being identified by said identifier", as recited in amended independent claim 18. Nor does the combination disclose, suggest, or mention a computing device adapted to receive recovery software from a network that includes "a transmitter for transmitting said identifier to a network location, said identifier being used to identify a single computing device", as recited

in amended independent claim 19. Nor does the combination disclose, suggest, or mention a method for conducting software recovery of a computing device that includes "conveying an identifier toward a network location, said identifier being an attribute of a particular computing device and of a software package previously installed on said computing device", as recited in amended independent claim 25. Nor does the combination disclose, suggest, or mention a method of conducting software recovery of a computing device that includes "a server determining, based on said identifier, a software package previously installed on said computing device", as recited in amended independent claim 29:

As previously mentioned herein, Fawcett includes a method and system for identifying and obtaining computer software from a remote computer. In Fawcett, "When a user accesses the remote update service, an update service computer conducts an automatic inventory of the computer software on the user computer" (column 2, lines 30-32). Fawcett makes no mention of an "identifier" that might be used to identify the software installed on the computer during manufacturing. In Fawcett, the installed software is determined by way of an inventory of the contents of the computer disk.

In Dell, as previously mentioned, various computer products are offered. In Dell there are various computer hardware options indicated as being selectable by the user. However, Dell does not include any mention of a computer having an "identifier" (as in the Applicants' amended independent claims) that might be used to identify the software installed on the computer during manufacturing. In fact, Dell does not include any mention that software may be installed on the computer during manufacturing.

In Arnold, a Method and system for providing limited-life machine-specific passwords for data processing systems is disclosed. In Arnold, a serial number may be used to relatively uniquely identify the computer. However, in Arnold there is no mention that the serial number is indicative of the "software package previously installed on said computing device", as recited in the Applicants' amended independent claims (claim language may vary slightly).

In combination, the cited references do not include the limitations of the Applicants' claims. None of the references include any mention of the use of an identifier to identify the "software package previously installed on said computing



Application No: 09/767,416
Reply to Office Action Dated 12/19/03

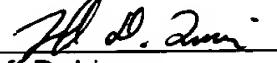
device", as recited in the Applicants' amended independent claims (claim language may vary slightly). In fact, since Fawcett teaches performing "an automatic inventory of the computer software on the user computer", Fawcett actually teaches away from the Applicants' claims, in which an identifier is used to determine the software installed on the computer during manufacturing.

Accordingly, the Applicants' respectfully request that the Examiner withdraw the rejection to the claims and pass the application onto allowance.

II. Additional Fees

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this response, please charge the fee to Deposit Account No. 08-2025.

Respectfully Submitted,
Derek J. Whiteside et al.

By: 
Jeff D. Limon
Agent for the Applicants
Registration Number 45,418

Hewlett-Packard Company
Legal Department
1000 NE Circle Blvd.
Corvallis, OR 97330
Telephone: (541) 715-5979
Fax: (541) 715-8581

TECHNOLOGY CENTER 2800

RECEIVED
MAR 22 2004